

REMARKS

Claims 1 and 6 are amended to indicate that the fold “has a thickness of said heat-seal resin layer smaller than a thickness of said heat-seal resin layer around said fold.” Support for this amendment is found at, for example, Figure 8 and the corresponding disclosure of the originally filed specification.

Upon entry of this amendment, which is respectfully requested, claims 1-11 are pending.

In keeping with the provisional election on May 11, 2009, Applicants affirm the election of Group I, claims 1-7. Applicants reserve the right to file a Divisional Application with respect to the non-elected claims and to request rejoinder of the non-elected claims.

On pages 3-5 of the Office Action, claims 1-7 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Takahiro (JP 2002-319374) (“Takahiro”). (Applicants presume that claim 7 is included with this rejection, because claim 7 was listed as rejected on the Office Action Summary page.)

Applicants traverse for at least the following reasons.

Present claim 1 and 6 each recite that a “film-covered battery characterized in that said joint section is formed with at least one fold” and “said fold has a thickness of said heat-seal resin layer smaller than a thickness of said heat-seal resin layer around said fold.”

The heat-seal resin layer of the presently claimed invention is actually thinner at the fold than in the surrounding joint section. See Figure 8. The thin metal film layer and the protection layer have the same thickness at the fold as the surrounding joint section.

It is an important aspect of the presently claimed invention that the two thin metal film layers are closer to each other at the fold due to the thinning of the heat-seal resin layer between the two thin metal film layers as shown in Fig. 8. This feature leads to a reduction of the elongation of the thin metal film layer on the outer side of the fold. See paragraph [0014] of the specification. Therefore, the presently claimed invention can prevent cracks due to excessive elongation of the thin metal film layer at the fold, even though the thin metal film layer would otherwise tend to crack.

In contrast, the heat-seal resin layer 29 in Takahiro is not partially thinner, though the protective layer 28 is partially thinner. Therefore, Takahiro cannot prevent cracks in thin metal film layer 27 at the fold, because the two thin metal film layers 27 are not partially closer to each other.

Claims 2-5 and 7 depend, either directly or indirectly, from claims 1 or 6.

In view of the above, Applicants respectfully submit that claims 1, 6, and claims dependent thereon are not anticipated by Takahiro.

Reconsideration and withdrawal of the § 102 anticipation rejection based on Takahiro are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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